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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,944	02/12/2002	Edward M. Kraine JR.	1316C-000077	6965

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/11/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,944

Applicant(s)

Kraine et al

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 9, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on May 6, 2002 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

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Election/Restriction

1. Applicant's election without traverse of Species I (shown in Figs. 1-3) in Paper No. 5 is acknowledged.

2. Claims 6-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 5.

Priority

3. If applicant desires priority under 35 U.S.C. 119(e) based upon a previously filed copending application, specific reference to the earlier filed application must be made in the instant application. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. _____" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application.

If the application is a utility or plant application filed on or after November 29, 2000, any claim for priority must be made during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the

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prior application. See 37 CFR 1.78(a)(2) and (a)(5). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) a surcharge under 37 CFR 1.17(t), and (2) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional. The petition should be directed to the Office of Petitions, Box DAC, Assistant Commissioner for Patents, Washington, DC 20231.

Drawings

4. The drawings are objected to because:
 - a. Fig. 1 fails to include numeral 26 as described in the last sentence on page 4.
 - b. Fig. 1 includes numeral 60 which is not mentioned in the description of Fig. 1.
5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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Claim Objections

6. Claim 1 is objected to because the word "and" should be inserted at the end of line 4.

Claim Rejections - 35 U.S.C. § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Maxey, US 3,171,699.

a. Claim 1. Figs. 2 & 3 show a pivot joint comprising: an inner member 1; an elastomeric member 2b disposed around the inner member 1, the inner member 1 slidably engaging (see also col. 2, lines 21 & 22) the elastomeric member 2b; and an outer member 3 disposed around the elastomeric member 2b, the elastomeric member being fixedly secured (see also col. 2, lines 17, 18 & 48-51) to the outer member 3.

b. Claim 2. In col. 2, lines 69+, Maxey discloses a low friction member, lubricant, disposed between the inner member 1 and the elastomeric member 2a.

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c. Claim 3. In col. 2, lines 21 & 28, Maxey discloses that the inner member rotates within the elastomeric member around an axis.

d. Claim 4. Fig. 2 shows the pivot joint includes an axial retention member 4 (see also col. 2, lines 39-41) disposed between the inner member 1 and the elastomeric member 2b.

9. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison, US 3,239,286.

a. Claim 1. Figs. 1-3 show a pivot joint comprising: an inner member 1; an elastomeric member 3 disposed around the inner member 1, the inner member 1 slidably engaging (see also col. 1, lines 44-46) the elastomeric member 3; and an outer member 4 disposed around the elastomeric member 3, the elastomeric member being fixedly secured to the outer member 4.

b. Claim 2. Fig. 2 shows a low friction member 2 disposed between the inner member 1 and the elastomeric member 3.

c. Claim 3. In col. 1, lines 44-46, Harrison discloses that the inner member rotates within the elastomeric member around an axis.

d. Claim 4. Fig. 2 shows the pivot joint includes an axial retention member 9 disposed between the inner member 1 and the elastomeric member 2b.

10. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevenson et al, US 5,820,115 (Stevenson).

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a. Claim 1. Fig. 1 shows a pivot joint 10 comprising: an inner member 12; an elastomeric member 14 disposed around the inner member 12, the inner member 12 slidably engaging (via surface 44) the elastomeric member 14; and an outer member 16 disposed around the elastomeric member 14, the elastomeric member being fixedly secured to the outer member 16.

b. Claim 2. Fig. 1 shows a low friction member 44 disposed between the inner member 12 and the elastomeric member 14.

c. Claim 3. Fig. 1 shows that the inner member 12 can rotate within the elastomeric member 14 around an axis.

d. Claims 4 & 5. Fig. 1 shows the pivot joint includes an axial retention member 14, 15 comprising a groove 15 in the inner member 4 and a rib 14 formed on the elastomeric member 3. The rib 14 being disposed in the groove 15.

11. Claims 1 & 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Polster et al, US 5,746,673 (Polster).

a. Claim 1. Fig. 1 shows a pivot joint 1 comprising: an inner member 4; an elastomeric member 3 disposed around the inner member 4, the inner member 4 slidably engaging (see also col. 4, lines 28, 29, 63 & 64) the elastomeric member 3; and an outer member 2 disposed around the elastomeric member 3, the elastomeric member being fixedly secured (see also col. 4, lines 54-66) to the outer member 2.

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b. Claim 3. In col. 4, lines 28, 29, 63 & 64, Polster discloses that the inner member 4 rotates within the elastomeric member 3 around an axis.

c. Claims 4 & 5. Fig. 1 shows the pivot joint includes an axial retention member 40 comprising a groove 40a in the inner member 12 and a rib formed on the elastomeric member 14. The rib being disposed in the groove 40a.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Luzsicza, Sheedy and Hadano et al each show a pivot joint.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Monday through Thursday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 (before final), (703) 872-9327 (after final) and (703) 872-9325 (customer service).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



GREGORY J. BINDA
PRIMARY EXAMINER